



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

July 26, 2004

Smith, Gambrell & Russell, LLP
Suite 3100, Promenade II
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592

Dear Attorney Weilacher;

We regret to inform you that your refund request dated 06/09/04 for the amount of \$110.00, application number 10/608835 cannot be granted for the reason specified below.

- Refund based upon subsequent establishment of small entity status: A refund based on establishment of small entity status may be granted only if a written assertion of entitlement to small entity status under 37 CFR 1.27 and a request for refund of the excess amount are filed within three months of payment and of the fee (37 CFR 1.28). Three-month period for establishing small entity status and requesting a refund has expired.
- Refund of application filing or petition fee: Filing fees paid for an application that is entitled to a filing date and required petition fees are not fees paid by mistake or in excess. If an application is not entitled to a filing date and proceedings are terminated on the application, any filing fees (less the \$130 handling fee) will be refunded (37 CFR 1.53(e)(3)).
- Refund of overpayment: There was no overpayment made by applicant. All fees were calculated and assessed properly. **See below**
- The payment for which the refund is requested has not been applied to the application. The payment check was returned to applicant for the following reason:
 - Not filled out properly. (See attached copy of notice.)
 - Not made payable in U.S. funds.
 - No explanation was given as to purpose.
 - Payment was previously received and applied by Office.
 - Check was returned by bank for insufficient funds.

**Any request for reconsideration or review of this decision must be by way of a petition filed within two months of this decision, which decision must set forth with particularity why a refund is due (see 37 CFR 1.181(b) and (f)).



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Please see the inclosed Amendment. This is all we received No mention of how to admend the applicatio

If there are any further questions, please contact Customer Service at (703) 308-1202.

Sincerely,

Eleanor F. Kurtz
Office of Initial Patent Examination